

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-01163-CV-W-HFS
)	
KELLY TOMS,)	
)	
Defendant.)	

DEFAULT JUDGMENT

On March 7, 2011, upon the motion of Plaintiff United States of America, the Clerk of Court entered default against Defendant Kelly R. Toms pursuant to Rule 55(a) of the Federal Rules of Civil Procedure. Plaintiff asserted and the court records agree that Defendant was personally served with the summons and complaint on January 22, 2011. To date, Defendant has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.

The Court has reviewed the record and finds that it has jurisdiction over Defendant Toms and that venue is proper in this judicial district. An affidavit signed by an Assistant United States Attorney states that Defendant is not a minor nor incompetent. Moreover, pursuant to the Soldiers' and Sailors' Relief Act of 2003, Defendant is not currently on active military duty.

It is therefore ORDERED that judgment by default is hereby entered against Defendant Kelly R. Toms and in favor of plaintiff United States of America for failure to answer or plead, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure, as follows: \$66,748.12 (representing \$53,104.84 principal, and interest of \$13,643.28 through February 14, 2011), plus

interest at the rate of 2.47% per annum or \$3.59 per day until the date of judgment.

It is further ORDERED that Plaintiff is entitled to post-judgment interest on the judgment from the date of judgment at the legal rate as provided by law, plus its court costs of \$350.00 pursuant to 28 U.S.C. § 1914.

It is further ORDERED that the Clerk of Court mail a copy of this Default Judgment by regular mail and by certified mail, return receipt requested, to:

Kelly R. Toms
603 E National Ave
Richland MO 65556

/s/Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

September 2, 2011
Kansas City, Missouri